

Department of Permits Approvals and Inspections  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 92012

Violet McElwee  
944 Lance Ave  
Baltimore, MD 21221

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on July 6, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC) section BCC 35-5-302 (b)(2); failure to replace and/or repair exterior structure on residential property.

On June 3, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Claude Profili issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$ 1,000.00 (one thousand dollars)

The following persons appeared for the Hearing and testified: Geneva Jacobs and Wayne Jacobs, daughter and grandson of Respondent; Claude Profili Baltimore County Code Enforcement Officer.

Testimony was presented that, upon a complaint an inspection of the subject property took place on 4/26/11, revealing evidence of construction in progress; however, a search of County records failed to discover any valid building permit. A Notice to the Respondent was issued. A re-inspection on 5/27/11 showed the situation unchanged and, as a result, a Citation was issued, mailed and posted on 6/3/11. The Inspector further noted that his first conversation with on the day of the hearing. Apparently a variance was issued in 1999, and as a result, a building permit was issued. He informed Ms. Jacobs

that a new permit had to be applied for to replace the expired 1999 document before any further work could be done. Wayne Jacobs, grandson of the Respondent, stated that they did not realize that building permits expired after a year, and testified that although the property was now under roof, they understood that a valid permit had to issued before anything else was done.

Having heard the testimony and evidence presented at the Hearing:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars)

IT IS FURTHER ORDERED that \$500 of the \$500 civil penalty be suspended

IT IS FURTHER ORDERED that the suspended civil penalty of \$500 will be imposed if the property is not brought into compliance by the issuance of a valid building permit by August 4, 2011.

IT IS FURTHER ORDERED that if the property is brought into compliance, the suspended \$500 will be imposed if there is a subsequent finding against the Respondent for the same violation.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8<sup>th</sup> day of July 2011

Signed: ORIGINAL SIGNED 7/8/11  
Lawrence M. Stahl  
Managing Administrative Law Judge

**NOTICE TO RESPONDENT:** The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

LMS/lmw